

## **EXHIBIT C**

The Law Offices of  
ANDREW J. FRISCH, PLLC  
40 Fulton Street, 17<sup>th</sup> Floor  
New York, New York 10038  
212-285-8000

September 19, 2022

*Via email (Yael.Fuchs@ag.ny.gov; Catherine.Suvari@ag.ny.gov)*

Yael Fuchs, Assistant Attorney General  
Catherine Suvari, Assistant Attorney General  
Office of the Attorney General  
28 Liberty Street  
New York, New York 10005

*Re: Subpoena to VDare Foundation, Inc.*

Dear Counsel:

As I advised you via telephone on August 23, 2022, VDare Foundation, Inc. (“VDare”) has engaged me as new counsel to respond to your Subpoena, dated June 24, 2022 (the “Subpoena”). VDare formally retained me within a week of our call. I appreciate your courtesies in accommodate my pre-existing commitments in other matters. As I continue to get up to speed and review documents, my hope is that we can meet and confer to address and attempt to resolve any areas of dispute.

While I stand by VDare’s objections to the Subpoena set forth by predecessor counsel that Subpoena requests are overbroad, vague, and require disclosures protected by the First Amendment, I do not stand by predecessor counsel’s position that the Subpoena be withdrawn. With reliance on VDare’s full reservation of all rights and any and all objections, I have today forwarded documents to a discovery vendor. My understanding is that the vendor cannot format the documents as specified in the Subpoena by today, but I expect that I can more readily arrange for production in another form, so please let me know your preference.

I have been able to confer with the client meaningfully and begun to review documents only within the last ten or so days. My review of documents continues so that I can identify and produce any additional documents responsive to your Subpoena. Thus, I expect that the documents produced today will constitute the first installment of a rolling production. There is a significant volume of electronically-stored and hard copy documents that need to be reviewed so that any additional documents responsive to the Subpoena can be identified. I expect to be able to tell you by this week’s end when another installment can be made. As to redactions in the documents produced today, I have not had ample time fully to evaluate bases underlying the redactions, including attorney-client privilege and First Amendment concerns. I

have opted instead to produce an installment of documents today and will circle back on the redactions once my evaluations are complete. I expect that I can report back on this issue by next Monday.

In the course of marshaling documents responsive to the Subpoena, an additional objection has come to light. Some of the requested documents relate to the Berkeley Springs Castle Foundation (“BSCF”), a distinct entity apparently domiciled in West Virginia, which is not the named target of the Subpoena and has not itself been served. In the ordinary course, VDare has no blanket legal right or practical ability to access BSCF's records -- and no possession, custody, or control of BSCF's records. VDare has transacted with BSCF, and so some documents relating to BSCF reside within VDare. VDare is willing to endeavor to procure and produce other responsive documents from BSCF, provided that your Office acknowledges and agrees that such efforts by VDare: (i) prejudice none of VDare's rights and waive none of VDare's objections; (ii) will not be construed by your Office to negate the corporate distinction between VDare and BSCF; and (iii) similarly do not waive or prejudice any objection that BSCF might itself assert in the future if your Office purports to serve BSCF with process.

VDare hereby requests, pursuant to New York Public Officers Law Sections 87(2)(d) and 89(5)(a), and for reasons of business confidentiality, that this communication and the accompanying materials, which are all designated “Confidential,” be maintained in confidence by you and your Office and not be disclosed publicly whether in response to a request under Article 6 of the New York Public Officers Law or otherwise. If this communication or the accompanying documents are the subject of such a request, please so advise me before making any such disclosure at 212-285-8000.

Very truly yours,

/s/ Andrew J. Frisch  
Andrew J. Frisch

Enclosures  
(under separate cover)